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Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

URBAN ANESTHESIOLOGY, P.C.,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE
COMPANY,

Defendant.

Civil No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441(b), and 28 U.S.C. § 1446, Defendant Fireman's Fund Insurance Company ("Fireman's Fund") files its Notice of Removal on the following grounds:

NOTICE OF REMOVAL IS TIMELY

1. Fireman's Fund is the only named defendant in a civil action filed in the Superior Court of the State of Alaska, Third Judicial District at Anchorage, entitled *Urban Anesthesiology, P.C. v. Fireman's Fund Insurance Company*, Case No. 3AN-17-09297CI.

NOTICE OF REMOVAL

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2. Plaintiff's Complaint in the state court action was filed with the Trial Court, State of Alaska, Third District, on or about September 22, 2017. Service of the Summons and Complaint has not been completed. This Notice of Removal is timely under 28 U.S.C. §1446(b) because it is filed within 30 days of the service of the Summons and Complaint.

3. The following constitute all of the processes, pleadings, and orders received by Fireman's Fund in this action to date: Complaint, Summons and Notice to Both Parties of Judicial Assignment, and Demand for Jury Trial, true copies of which are attached hereto and incorporated herein as part of this Notice of Removal as Exhibits 1, 2, and 3, respectively.

4. No further proceedings have been had in the Superior Court of the State of Alaska, Third Judicial District at Anchorage, as of the date of filing this removal.

DIVERSITY JURISDICTION EXISTS

5. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332. This action may be removed pursuant to 28 U.S.C. § 1441 because it involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. Plaintiff is, and at all times material herein, was a professional corporation duly authorized and conducting business under the Laws of the State of Alaska.

7. Fireman's Fund is, and all times material herein, was a corporation organized and duly registered under the laws of the state of California, having its principal place of business in Novato, California.

8. Plaintiff's Complaint seeks in excess of \$100,000 in damages, exclusive of interest, costs, and attorney fees. Thus, diversity jurisdiction under 28 U.S.C. § 1332 exists.

REMOVAL IS PROPER

9. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice of removal is being promptly filed with the Clerk of the Superior Court of the State of Alaska, Third Judicial District at Anchorage.

WHEREFORE, Fireman's Fund gives notice that this action, now pending in the Superior Court of the State of Alaska, Third Judicial District at Anchorage as Case No. 3AN-17-09297CI, is hereby removed from that court to this Court.

DATED: November 2, 2017

BULLIVANT HOUSER BAILEY PC

By


Matthew R. Wojcik, ABA 0710071

Telephone: 206.292.8930

Attorneys for Defendant Fireman's Fund Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2017, I caused to be served the foregoing Notice of Removal on the following party at the following address:

Alfred Clayton, Jr.
Clayton & Diemer LLC
500 L St., Ste. 200
Anchorage, AK 99501-5909
Al.Clayton@cdlaw.pro

Attorneys for Plaintiff

by:

☒ E-Service / ECF


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